## PATENT COOPERATION TREATY

## **PCT**

## TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P08156WO			ce	FOR FURTHER AC	CTION	See Form PCT/IPEA/416			
International application No.				International filing date	(day/month/year)	Priority date (day/month/year)			
PCT/EP2004/052781			781	03.11.2004	Į.	07.11.2003			
Internation	onal Pat	ent Classification	n (IPC) or natio	onal classification and IF	PC				
A61B6/00, A61B6/04									
Applicant SIEMENS AKTIENGESELLSCHAFT									
<ol> <li>This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</li> </ol>									
2.	This R	EPORT consists	of a total of	4	sheets, including	this cover sheet.			
3.	This re	eport is also acco	mpanied by Al	NNEXES, comprising:					
	a. 🔀	(sent to the	applicant and	to the International Bure	eau) a total of 6	sheets, as follows:			
	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).								
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental								
		Box.							
	b	(sent to the	International I	Sureau only) a total of (1	ndicate type and number	r of electronic carrier(s))			
		related thereto	in computer	readable form only as	indicated in the Supple	_ , containing a sequence listing and/or tables mental Box Relating to Sequence Listing (see			
				rative Instructions).	indicated in the Supplet	mental Box Relating to Sequence Eisting (see			
4.	This re	port contains inc	lications relatio	ng to the following items	S:				
	$\boxtimes$	Box No. I	Basis of the	report					
	Ш	Box No. II	Priority						
		Box No. III	Non-establis	shment of opinion with r	nment of opinion with regard to novelty, inventive step and industrial applicability				
	Box No. IV Lack of unity of i			y of invention	f invention				
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement								
	Box No. VI Certain documents cited								
		Box No. VII	Certain defe	cts in the international a	pplication				
		Box No. VIII	Certain obse	ervations on the internati	onal application				
Date of s	submiss	ion of the deman	d		Date of completion of thi	s report			
Name and mailing address of the IPEA/EP					Authorized officer				
Facsimile No.				Γ	Telephone No.				

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/052781

Box	No. I		Basis of the report						
1.			o the language, this report is based on the internatio ler this item.	nal application in the language in	which it was filed, unless otherwise				
		This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:							
		ir	international search (Rule 12.3 and 23.1(b))						
		∐ р	ublication of the international application (Rule 12.4	)					
		ir	nternational preliminary examination (Rule 55.2 and/	for 55.3)					
2.	recei	(ith regard to the <b>elements</b> of the international application, this report is based on (replacement sheets which have been furnished to the ceiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to is report):							
		the inte	rnational application as originally filed/furnished						
	$\boxtimes$	the des	cription:						
		pages	1, 2, 6-12		as originally filed/furnished				
		pages*	3-5, 5a	received by this Authority on	/filed with the demand				
		pages*		received by this Authority on					
	$\boxtimes$	the clai	ms:						
		nos.	8, 9		as originally filed/furnished				
		nos.*		as amended (togethe	er with any statement) under Article 19				
		nos.*	1-7	received by this Authority on	/filed with the demand				
		nos.*		received by this Authority on					
	$\boxtimes$	the drav	wings:						
		sheets			as originally filed/furnished				
		sheets*							
		sheets*		•					
	П	a segue	ence listing and/or any related table(s) – see Supplem						
2		_		ental Box Relating to Sequence E	nsting.				
3.	ш		nendments have resulted in the cancellation of:						
			he description, pages						
			the claims, nos.						
			he drawings, sheets/figs						
			he sequence listing (specify):						
	_								
4.	Ш		port has been established as if (some of) the amend we been considered to go beyond the disclosure as fil						
		L th	he description, pages						
		L tl	he claims, nos.						
		U tl	he drawings, sheets/figs						
		☐ tl	ne sequence listing (specify):						
		a	ny table(s) related to sequence listing (specify):						
*	If ite	m 4 appl	lies, some or all of those sheets may be marked "supe	erseded."					

International application No.
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Box		Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1.	Statement					
	Novelty (N)		4-7	YES		
		Claims	1-3	NO		
Inventive step (IS)		Claims	4-7	YES		
		Claims		NO		
	Industrial applicability (IA)		1-7	YES		
		Claims		NO		

- 2. Citations and explanations (Rule 70.7)
  - 1. Reference is made to the following document:

D1: US-B1-6 428 206 (WATANABE NAOTO) 6 August 2002 (2002-08-06)

2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claim 1 lacks novelty (PCT Article 33(2)).

Document D1 (the references between parentheses refer to that document) discloses (see figure 2) a patient resting device which comprises a positioning device (4, 5, 6) and a patient resting table (8), the positioning device being underneath the patient. Furthermore, said known positioning device has a curved arm (4, 5), in which only the X-ray source and not the X-ray detector can be mounted so as to be displaceable in the direction of the curve (see also figures 6B and 6C: even when the X-ray source has reached its end position, the X-ray detector cannot be mounted in the arms 5, 6) and a base (6), in which the arm

claims 4 and 6, respectively.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement (4, 5) is mounted so as to be displaceable in the direction of the curve. D1 thus discloses the combination of features from claim 1, the subject matter of which therefore lacks novelty (PCT Article 33(2)). 3. Dependent claims 2 and 3 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (PCT Article 33(2)), since D1 discloses a second curved arm (4, 5) and an X-ray detector which can be mounted so as to be displaceable in the radial direction relative to the curve (see column 6, lines 26-30). 4. The combinations of features contained in dependent claims 4 and 6 are neither disclosed nor suggested by the available prior art, since none of the available documents discloses an X-ray source or X-ray detector which is mounted so as to be displaceable in all directions and is arranged separately from the positioning device. The same applies to claims 5 and 7, which are dependent on